

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

JOHN GUNARTT,

Appellant,

vs.

FIFTH THIRD BANK,

Appellee,

)
)Case No. 06-cv-00273
)
)Honorable Judge Matthew F. Kennelly
)Courtroom 2103
)
)
)
)

NOTICE OF FILING

TO: See Attached Service List

Please take notice that on the 4th day of April, 2006, Appellee, Fifth Third Bank, through its attorneys, Kamm & Shapiro, Ltd., have filed with the United States District Court, Northern District of Illinois, Eastern Division, its Response to Motion to Dismiss Current and Ongoing Proceedings of Fifth Third Bank, a copy of which is attached hereto.

FIFTH THIRD BANK

By: 
Jerold J. Shapiro, Its Attorney

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CERTIFICATE OF SERVICE

I, Jerold J. Shapiro, the attorney certify that I served this notice by mailing a copy to the parties listed on the attached Service List at their respective addresses by depositing the same in the U.S. mail at 318 West Adams Street, Chicago, Illinois 60606 at or before 5:00 p.m. on April 4, 2006, with proper postage prepaid.


Attorney

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**RESPONSE TO MOTION TO DISMISS CURRENT AND ONGOING
PROCEEDINGS OF FIFTH THIRD BANK**

Fifth Third Bank for its response to the Motion of John Gunartt to Dismiss the Current and Ongoing Proceedings of Fifth Third Bank states as follows:

1. Fifth Third Bank has no proceedings pending before the District Court other than its opposition to the bankrupt's appeal from the order of the bankruptcy court converting the Chapter 11 to a Chapter 7. Fifth Third Bank has nothing pending in the Bankruptcy Court other than its filed claim. The filed claim is and has not been the subject of any proceeding in the Bankruptcy Court and is not involved in the current appeal.

2. Although the bankrupt's assertion of facts and unsupported conclusions are hopelessly inaccurate at best and are unsupported conclusions at worst, Fifth Third Bank is not responding to them for the simple reason that there are no current and ongoing proceedings to dismiss.

WHEREFORE, Fifth Third Bank prays that the Motion of John Gunartt to Dismiss the Current and Ongoing Proceedings of Fifth Third Bank be denied and that it have such other relief as is just and proper.

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